

REMARKS

Reconsideration is requested.

Claims 14-34 are pending. New claims 33 and 34 finds support, for example in claim 14 and pages 5-6 of the specification. No new matter has been added.

The Section 112, second paragraph, rejection of claims 14-20 is traversed.

Reconsideration and withdrawal of the rejection are requested as the applicants believe that the terms PEG-20 and PEG-15 stearyl ether will be appreciated by one of ordinary skill in the art to refer to Polyethylene glycol 20 and Polyethylene glycol 15 stearyl ether, respectively. Withdrawal of the Section 112, second paragraph, rejection is requested.

To the extent not obviated by the above amendments, the Section 102 rejection of claims 14-20 over Wright (U.S. Patent No. 5,547,677), the Section 102 rejection of claims 14-20 over Rockl (U.S. Patent No. 5,690,919), and the Section 102 rejection of claims 14-20 over Deckner (U.S. Patent No. 5,989,536) are traversed. Reconsideration and withdrawal of the rejections are requested in view of the above and the following further distinguishing comments.

The elected species, ricinoleic monoethanolamine monosulphosuccinate salts, has been found to be patentable over the art of record. The Examiner has expanded the search to include "other active ingredients in claim 14". See page 2 of the Office Action dated June 6, 2007. The Examiner's comments on pages 4-6 of the Office Action dated June 6, 2007, suggest that the Examiner has expanded the search to include "sesame oil" (citing Wright), "a mixture of lauric acid, a fatty substance, and other ingredients as the active principle" (citing Rockl), and "Sepigel 305, a mixture of polyacrylamide and C13-14 laureth-7" (citing Deckner).

The claims are submitted to be patentable over the cited art and consideration of the following in this regard is requested.

Specifically, the claims have been revised to delete the reference to sesame oil, without prejudice. The claims are therefore submitted to be patentable over Wright. Withdrawal of the Section 102 rejection based on Wright is requested.

Claim 14, and claims dependent therefrom, are believed to define over the cited Rockl and Deckner in that the species which are the basis of the rejection are believed to have been deleted from the claims. Withdrawal of the Section 102 rejections based on Rockl and Deckner is requested.

With regard to the new independent claim 33, the Examiner will appreciate that the claimed method relates to a specific bacteria, i.e., *S. aureus*, and a specific list of compounds, which combination is not believed to be taught or suggested by the cited art. Further, new dependent claim 34 also relates to the specific bacteria, *S. aureus*. The new claims are submitted to be patentable over the cited art.

The applicants further urge the Examiner to appreciate that the claimed invention is not directed to inhibition of the growth of microorganisms but the reduction of the adhesion at the surface of skin. Further, the compounds of claim 14 have a chemical structure different from the structure of the compounds of the cited prior art. The anti-adhesion test of the invention for these compounds shows a real efficacy of these compounds on adhesion (see at page 11 of the specification) at least for *S. aureus*.

Concerning the list of compounds of claim 33, they have never been described for this specific use. While they may have been described for acne or deodorant, the ordinarily skilled person would not have reasonably predicted from these applications

CUPFERMAN et al.
Appl. No. 10/613,723
November 6, 2007
Amendment

the use as in the presently claimed invention, such as on the bacteria *S. aureus*. The Examiner is requested to see the anti-adhesion results in the tests of page 12 of the specification.

The claims are submitted to be patentable over the cited art and withdrawal of the Section 102 rejections is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ /B. J. Sadoff/
B. J. Sadoff
Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100